

4683. Adulteration of tomato paste. U. S. * * * v. 21 Cases and 1 Keg of Tomato Paste. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 7096. I. S. No. 2041-1. S. No. E-494.)

On December 4, 1915, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 21 cases and 1 keg of tomato paste, remaining unsold in the original unbroken packages at New York, N. Y., alleging that the article had been shipped, on or about November 15, 1915, by Luigi Vecchi, Hazlet, N. J., and transported from the State of New Jersey into the State of New York, and charging adulteration in violation of the Food and Drugs Act. The small cans contained in the cases were labeled: "Estratto di Pomodoro Tomato Paste" (Star) "Louis Vecchi, Parma New York." (Guaranty legend, Serial No. 44720) "Made in Parma, Italy. Packed in Hazlet, N. J." The large cans were labeled, in part: (Picture of girl with basket of tomatoes) "Parma Brand" (Scene) "Conserva di Pomodoro Tomato Paste. * * * Parma Luigi Vecchi, Inc. New York Factory Hazlet, N. J. Contents 15 oz. net." (Guaranty legend.)

Adulteration of the article was alleged in the libel for the reason that it consisted in part of a filthy, decomposed, and putrid vegetable substance, to wit, moldy decayed tomato.

On December 29, 1915, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

CARL VROOMAN, *Acting Secretary of Agriculture.*